

Plaintiff, Martin J. Walsh, Secretary of Labor, United States Department of Labor (“Plaintiff”) brings this action to enjoin Defendants Nursing Home Care Management Inc. d/b/a Prestige Home Care Agency and Alexander Dorfman (hereinafter collectively referred to as “Defendants,”) from violating the provisions of Sections 6, 7, 11(c), 15(a)(2) and 15(a)(5) of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 201, *et seq.*, hereinafter referred to as “the Act,” and for a judgment against Defendants in the total amount of back wage compensation found by the Court to be due to any of the employees of Defendants pursuant to the Act and for an equal amount due to the employees of Defendants in liquidated damages.

2. Defendant Nursing Home Care Management Inc. d/b/a Prestige Home Care Agency (“Prestige HCA”) is a corporation duly formed under the laws of the Commonwealth of Pennsylvania. Defendant Prestige HCA’s address and principal place of business is 10890

Bustleton Avenue, Philadelphia, Pennsylvania 19116, within the jurisdiction of this court.

Prestige HCA is engaged in a domestic homecare business operating out of this same address, within the jurisdiction of this Court.

3. Defendant Alexander Dorfman (“Dorfman”) is the president and manager of Prestige HCA and resides in Bucks County, Pennsylvania, which is within the jurisdiction of this Court. Dorfman has directed employment practices and has acted directly or indirectly in the interest of Prestige HCA in relation to its employees at all times relevant herein, including managing the daily operations of the business, setting policies, preparing and reviewing payroll, and managing employees. Defendant Dorfman managed the employment of persons employed by Prestige HCA, acted directly and indirectly in company’s interest in relation to the employees, and is an employer of said employees within the meaning of Section 3(d) of the Act.

4. Defendants’ business activities, as described herein, are and were related and performed through unified operation or common control for a common business purpose of providing in-home care to Prestige HCA’s clients and constitute an enterprise within the meaning of Section 3(r) of the Act.

5. Defendants employ persons in domestic service for profit, which affects commerce per Section 2(a)(5) of the Act. Defendants’ employees provide in-home care services to Prestige HCA’s clients.

6. Defendants have employed and are employing employees in and about their place of business in the activities of an enterprise engaged in commerce or in the production of goods for commerce, including employees handling, selling, or otherwise working on products, goods or materials that have been moved in or produced for commerce, such as purchasing business supply products from out of state. The enterprise has had an annual gross volume of sales made

or business done in an amount not less than \$500,000.00. Therefore, the employees are employed in an enterprise engaged in commerce or in the production of goods for commerce within the meaning of Section 3(s)(1)(A) of the Act.

7. Defendants willfully violated the provisions of Sections 6 and 15(a)(2) of the Act by paying certain employees employed as direct care workers (“DCWs”) and administrative employees (collectively, “employees”) in an enterprise engaged in commerce or in the production of goods for commerce at rates less than the applicable statutory minimum rate prescribed in Section 6 of the Act. Therefore, Defendants are liable for unpaid minimum wages under Sections 16(c) and 17 of the Act.

8. For example, during the time period from at least November 9, 2015 through at least November 4, 2018, Defendants failed to pay certain employees the statutory minimum wage for all hours worked. The minimum wage violations are the result of Prestige HCA’s failure to compensate certain employees for travel time, which, at times lowered the employee’s regular rate of pay below the statutory minimum wage during some workweeks. Defendants failed to compensate certain employees for travel time between patients’ homes in the same workday, and for travel time between Prestige HCA’s administrative office and patients’ homes in the same workday. These certain employees traveled up to an hour or more, and this travel was performed in excess of forty (40) hours per workweek. This resulted in Defendants not paying employees the statutory minimum wage for hours worked.

9. Defendants willfully violated the provisions of Sections 7 and 15(a)(2) of the Act by employing many of their employees in an enterprise engaged in commerce or in the production of goods for commerce for workweeks longer than those prescribed in Section 7 of the Act without compensating the employees for their employment in excess of the prescribed

hours at rates not less than one and one-half times the regular rates at which they were employed. Therefore, said Defendants are liable for the payment of unpaid overtime compensation under Sections 16(c) and 17 of the Act.

10. For example, during the time period from at least November 9, 2015 through at least November 4, 2018, Defendants paid certain employees their straight-time hourly rates for all hours worked, and did not pay the required time and one-half premium rate for overtime hours worked in excess of forty (40) per workweek. Defendants also segregated types of work performed by certain employees during a workweek rather than aggregating all hours worked in order to compute the required pay rate. For instance, Defendants segregated administrative office work from client visit work, and paid certain employees straight-time hourly rates for the administrative work and straight-time hourly rates for the additional client visit work; thus, the certain employees received straight-time hourly pay for all hours worked including hours worked in excess of forty (40) per workweek.

11. Additionally, Defendants' failure to compensate certain employees for travel time between patients' homes in the same workday, and for travel time between Prestige HCA's administrative office and patients' homes in the same workday also resulted in Defendants not paying employees the required time and one-half premium rate for overtime hours worked in excess of forty per workweek.

12. Defendants willfully violated the provisions of Sections 11(c) and 15(a)(5) of the Act in that Defendants failed to make, keep, and preserve adequate and accurate records of many of their employees and of the wages, hours, and other conditions of employment which they maintained as prescribed by the regulations issued and found at 29 C.F.R. Part 516.

13. For example, due to Defendants' practice of failing to compensate their employees for travel time between client visits and/or the office and the client, Defendants failed to keep and preserve payroll records for employees, including accurate records of employee's regular hourly rates of pay, and daily and weekly hours worked. In addition, Defendants failed to keep and maintain accurate records reflecting the amount of overtime hours worked, and the overtime pay due, as a result of their segregation of certain employees' hours by work type (i.e., administrative/office work vs. client visit work) in workweeks wherein the employees worked more than forty (40) hours.

14. Defendants knew or recklessly disregarded their obligation to pay employees the statutory minimum wage and one and one-half their regular rates for hours worked in excess of forty per workweek. Employees asked and complained to Prestige HCA's management about the failure of Defendants to pay the premium overtime rate and compensation for their travel time. Moreover, Defendants paid certain employees at the required time and one-half premium rate for overtime hours worked in excess of forty (40) per workweek; however, Defendants failed to compensate other certain employees the premium overtime rate pursuant to the Act. Thus, Defendants were aware of the Act's pay requirements but disregarded their obligations with respect thereto.

WHEREFORE, cause having been shown, the Secretary prays for judgment against Defendant:

(1) For an injunction issued pursuant to Section 17 of the Act permanently enjoining and restraining Defendants, their officers, agents, servants, employees, and those persons in active concert or participation with Defendants who receive actual notice of any such judgment, from violating the provisions of Sections 6, 7, 11(c), 15(a)(2) and 15(a)(5) of the Act;

(2) For judgment pursuant to Section 16(c) of the Act finding Defendants liable for unpaid minimum wage and overtime compensation due to certain of Defendants' current and former employees listed in the attached Schedule A for the period from at least November 9, 2015 through at least November 4, 2018, and for an equal amount due to certain of Defendants' current and former employees in liquidated damages. Additional amounts of back wages and liquidated damages may also be owed to certain current and former employees of Defendants listed in the attached Schedule A for violations continuing after November 4, 2018, and may be owed to certain current and former employees presently unknown to the Secretary for the period covered by this Complaint, who may be identified during this litigation and added to Schedule A;

(3) For an injunction issued pursuant to Section 17 of the Act restraining Defendants, their officers, agents, employees, and those persons in active concert or participation with Defendants, from withholding the amount of unpaid minimum wages and overtime compensation found due defendants' employees;

(4) In the event liquidated damages are not awarded, for an Order awarding prejudgment interest computed at the underpayment rate established by the Secretary of the Treasury pursuant to 26 U.S.C. § 6621.

FURTHER, Plaintiff prays that this Honorable Court award costs in his favor, and an order granting such other and further relief as may be necessary and appropriate.

Respectfully submitted,

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Date: June 7, 2021

/s/ Angela H. France
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Schedule A to Complaint

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Abramian	Valeri
Abramova	Elvira
Abramova	Tatiana
Agafonova	Liodmila
Akhmedova	Zarrina
Akinmusire	Bronda
Akselrod	Polina
Alafyeva	Galina
Alafyeva	Yelena
Aleynikov	Irene
Alimzhanov	Volodymyr
Alimzhanova	Nadiia
Allen	Brenda
Almodovar	Marie
Andreyeva	Alla
Andujar	Julian
Anishina	Tatiana
Aristov	Viktoria
Arsiriy	Ivan
Arsiriy	Valentina
Asanova	Raziya
Astreika	Katsiaryna
Astreika	Tatsiana
Austin	Marcella
Avadiaeva	Lioubov
Avella	Shakeena
Avery	Gesell
Babaeva	Liliya
Balaban	Olena
Balashova	Svetlana
Balini	George 'Giorgi Balaiashvili'
Balter	Nataliya
Banchenko	Nataliia
Banina	Ella
Baranov	Maxim
Barren	Ronnice

Barret	Prenesia
Bavrovska	Oksana
Belorusets	Renata
Belyavsky	Emily
Berdnikov	Alexandr
Bernadsky	Pavel
Black	Schinita
Bondarenko	Vera
Borzenko	Tatyana
Bosechko	Tatiana
Boultz	Emir
Boyko	Halyna
Brenchaninova	Valentina
Brodsky	Bogdana
Brodsky	Nadezhda
Brown	Raheem
Brown	Yanessa
Brucker	Elena
Bryant	Crystal
Bryant	Miesha
Buchila	Tatyana
Bullins	Cameillia
Bullock	Nicole
Bullock	Sabrina
Bullock	Sarina
Burroughs	Terrell
Burrows	Chardey
Butovskaya	Alla
Bychik	Yana
Bykov	Rita
Callahan	Olena
Chachanets	Siarhei
Chavis	Valerie
Chen	Guo
Chornii	Mariia
Chornodola	Iryna
Chumak	Tanya
Chumakova	Iryna
Clowney	Stephanie
Colomoiteva	Irina
Cravciuc	Zinaida

Cruz	Edward
Cuvsinov	Elena
Danilchenko	Bronislava
Dankulich	Lyubov
Darsel	Natalya
Datsko-Masyuk	Natalie
Davis	Antoinette
Davis	Charmain
Davis	Kia
Davydova	Svitlana
Decena	Christy
Delvalle	Renaldo
Dembitska	Galina
Demchenko	Svetlana
Devinsky	Bertrum
Devinsky	Inna
Devinsky	Paul
Devinsky	Yury
Dilshod	Joraev
Diyanov	Mikhael
Diyanov	Ruslan
Diyanova	Svetlana
Dlikman	Tatyana
Dolitsky	David
Drubich	Julia
Dubinsky	Benjamin
Dubrouskaya	Yuliya
Dume-Charles	Marie
Dyak	Lyudmila
Ebron	Sharmaine
Eismant	Maryia
Emgush	Gelana
Entina	Marina
Fayzulloeva	Farangiz
Federov	Marina
Fedorchenko	Raisa
Fedorchenko	Valery
Fedorchenko	Larysa
Fedorova	Iuliia
Fennell-Smith	Renita
Fields	Nicole

Filipova	Zhanna
Flerova	Vasilisa
Fleyshman	Margarita
Fomenkova	Tatiana
Fox	Courtney
Fox	Elizabeth
Fryson	Sarah
Fytsyk	Galyna
Gafurdzanova	Valentina
Gali	Lidiya
Garanina	Malvina
Garber	Valentina
Garkusha	Liliya
Garland	Dwight
Gasiewski	Andrew
Gerega	Igor
Gerega	Oksana
Gershman	Abigail
Gershman	Milana
Gitelman	Veronika
Gitman	Mary
Gitman	Rimma
Glenn	Wynita
Glover	Gwen
Godovsky	Ilya
Gogokhia	Lasha
Golant	Vladimir
Goldberg	Mila
Goldberg	Sergei
Golosheva	Niina
Golyakov	Alla
Golyakov	Sergey
Gongalo	Tetyana
Gonzalez	Juliana
Gorodetsky	Ella
Goykhman	Vladimir
Graves	Lorraine
Green	Omar
Gubov	Irina
Guk	Zinaida
Guller	Ella

Gurina	Alexandra
Gushchyna	Tetian
Gusovsky	Larisa
Hagans	Jaleel
Halsey	Katterra
Halsey	Wilhelmina
Hampton	Charlotte
Harriott	Suzette
Hartsock	Chelsey
Hayles	Jacqueline
Hersh	Lyubov
Holloway	Sonia
Holmes	Monica
Holova	Mavsuma
Howard	Arrius
Howard	Sarina
Howard	Shanikwa
Hron	Stepan
Hron	Zoryana
Hrozyk	Oksana
Hrudzinskaya	Liudmila
Huang	Jianghua
Huang	JieYi
Hubbard	Aaron
Hudz	Lyudmyla
Hudz	Yuriy
Huynh	Thu
Ibodova	Firuza
Igdalov	Marianna
Ilishayeva	Gulnara
Iordanska	Liliya
Irvin	Carmika
Isakova	Valeriya
Ismailova	Zhamila
Ivanov	Yuriy
Ivanova	Alla
Ivanovska	Rayisa
Izerkina	Irada
Janikashvili	Nino
Jarrett	Brian
Jin	Jing

Jin	Ying
Johnson	Yvonne
Julius	Saneyah
Kachkachashvili	Manana
Kadysheva	Galina
Kalandadze	Luiza
Kalantyrsky	Yakov
Kalin	Vera
Kalitina	Maria
Kanavalava	Zinaida
Kanitska	Olha
Kantor	David
Kantor	Irene
Kantor	Maria
Kapyloff	Lyudmila
Karch	Amanda
Karob	Galina
Karob	Illona
Karpachev	Lina
Karpachev	Olga
Karpchuk	Galyna
Kartaseva	Katerina
Kasymalieva	Gulnara
Kelley	Denise
Kendrick	Joan
Kerchentseva	Lioudmila
Khachatryan	Artur
Khikmatullaeva	Madinabonu
Khorkova	Svitlana
Khrupin	Alexey
Khudaynatov	Marina
Kilisev	Tatyana
Kin	Lauren
Kinard	Tanaya
Kisilev	Tatyana
Kisilev	Valeri
Klimin	Irena
Klimov	Rochelle
Klimov	Victor
Kniazieva	Olena
Kofman	Lana

Kogan	Victoriya
Kopylov	Gennady
Korotkin	Gennadiy
Koshelev	Vadim
Kostiv	Olga
Kosulya	Galina
Kotlyar	Emma
Koval	Andriy
Koval	Liliya
Kozhukhar	Iryna
Kozlov	Valentin
Kozlova	Olga
Kozorovitskaya	Tatyana
Kozubska	Natalia
Krastanov	Zoya
Kruglik	Helen
Kruglikov	Galina
Kucherenko	Anna
Kukava	Jambul
Kulikov	Vitaly
Kurylovych	Yuriy
Ladyzhensky	Nana
Ladyzhensky	Vitaly
Lakeev	Irina
Laskarevsky	Svetlana
Lazarev	Anna
Lazor	Halyna
Leonov	Aleksander
Leonova	Elena
Lepisova	Larisa
Lewis	Anita
Lewis	Derrick
Li	Deming
Li	LanXiu
Li	Liudmila
Li	ShaoLian
Liberman	Paula
Liberman	Svetlana
Liberman	Yan
Lihon	Sergey
Likhokon	Vita

Likhokon	Yuriy
Lim	Teresa
Lisova	Nadiya
Lisovaya	Ellen
Litvinova	Yulia
Liu	YueXi
Livak	Elizabeth
Livshits	Lyudmila
Lobeyeva	Tatyana
Loginova	Nataliya
Lomazova	Ruslana
Lomidze	Zamira
Loun	Nazar
Lukanina	Alla
Lukovsky	Anna
Lukovsky	Inna
Lukyanov	Viktor
Lukyanova	Olga
Lukyanova	Maria
Luo	Yaling
Lyles	India
Lyles	Rasheida
Madiarova	Jibek
Magid	Margarita
Mai	Lizhen
Mai	Yiqi
Makarevskaya	Natalya
Makhmadiyarov	Abdulla
Makhmadiyrova	Makhsuda
Makhmudova	Intizora
Maksymyshyn	Oksana
Malashchak	Oleksandra
Malashchak	Roman
Malashkevich	Dzmitry
Malone	Rasheedah
Malozovsky	Irene
Malyh	Olga
Malyuha	Ivan
Mammadova	Esmira
Manashvili	Nugzar
Marcinkevica	Irina

Margolin	Ilya
Margolina	Anna
Marshall	Shirley
Marta	Svetlana
Marti	Tanya
Martoncik	Natalya
Marzaevo	Aisha
Masuma	Holova
Masyuk	Sergiy
Mayer	Lena
Mccall	Etta
McCall	Fatima
McNeal	Shakira
Melinyshyn	Larysa
Melinyshyn	Vasyl
Merchanska	Olga
Metelkova	Maria
Mikuta	Liudmila
Mikuta	Valery
Mills	Erica
Mills	Talana
Mirzayeva	Aysha
Moore	Naira
Moretsky	Irene
Moskalev	Marina
Mukambetova	Svetlana
Mumladze	Irine
Muradova	Nana
Murjikneli	Elene
Murphy	Shantwon
Mursalova	Leyla
Murzakhasymova	Nargiza
Nakonechna	Ganna
Narzikulova	Firuza
Natalchenko	Natalia
Nazario	Ana
Nesmith	Doritha
Nikitine	Alexandre
Nikolaenko	Ilia
Nisenn	Isabella
Nisenzon	Maria

Nisenzon	Yuri
Norboyeva	Shakhlojon
Nurmatova	Dilnoza
Odlyvanska	Larisa
Oganyan	Mger
Oksana	Gerega
Olkhova	Marina
Oreshko	Vitaly
Padabed	Halina
Pagan Fred	Nereidilys
Panic	Dijana
Pankov	Yury
Panov	Michail
Paraskevich	Valentina
Parks	Michell
Paster	Stephanie
Pastukh	Iryna
Pastukh	Tetiana
Patapovich	Tatsiana
Pekarev	Ilya
Peng	Miao Cheng
Pepovich	M
Perednik	Inna
Peters	Tatyana
Petoukhova	Natalia
Piatsirychenka	Ina
Pierre	Nardine
Pjevac	Cedomir
Pjevac	Mirsada
Plaksina	Tatiana
Plitt	Ludmila
Podoksik	Maya
Pogoretsky	Anatoly
Polishchuk	Galina
Polishuk	Melia
Polishuk	Oscar
Popovych	Mariia
Poukhalskii	Orest
Prevezentseva	Iryna
Primak	Lyudmila
Prisiyan	Tatyana

Prisiyan	Kristina
Pukiene	Vaiva
Purits	Yelena
Pusan	Marina
Rahozha	Volha
Rakovich	Liudmila
Ramos	Yvette
Raskovich	Marina
Rasulova	Nigora
Rednikov	Zoya
Revens	Melissa
Reynolds	Teisha
Reznik	Alla
Riggins	Andrea
Riley	Christina
Ritvin	Eugenia
Rivera	Erica
Rivera	Jose
Rivera	Madelyn
Rizhkov	Igor
Robinson	Janae
Roman	Ashley
Romanko	Mara
Rosik	Olga
Rossolova	Mariya
Royter	Gregory
Rozdobudko	Tatyana
Rozmetov	Daniel
Rubin	Maria
Rubin	Marina
Ruiz	Mariela
Ruiz	Stephanie
Rupsiene	Dalia
Russy	Larisa
Rusyn	Oksana
Ruzmetova	Parvinoz
Saakyan	Milana
Saakyan	Olga
Samiyeva	Kamola
Samoilova	Irina
Samukashvili	Nanuli

Samulyak	Mariya
Sanchyn	Ivanna
Santiago-Felton	Francisca
Sapozhnikov	Leonid
Sarbu	Olga
Sarbu	Sviatlana
Segalov	Nina
Serbulov	Alexander
Shamsiyeva	Zulfiya
Shapiro	Jacklyn
Shchogol	Alona
Shchupak	Dimitry
Shchupak	Rimma
Sherkulova	Ugiloy
Shirinova	Nadezhda
Shishkin	Val
Shkurman	Raisa
Shkurman	Vladimir
Shliakhova	Alina
Shliakhova	Zhanna
Shliakovska	Olga
Shmunkova	Galina
Shodipo	Suzie
Shostak	Sergey
Shostak	Tetyana
Shteynberg	Alexsandr
Shteynberg	Marina
Simonyan	Eduard
Skaruk	Maryna
Skorich	Altynai
Slutski	Galina
Smallwood	Kim
Smirnova	Lyudmila
Sourkova	Irina
Sovenko	Olesia
Starossekova	Valentina
Stevenson	Valeria
Stupen	Halyna
Sun	Xiaojun
Svensson	Olga
Svinin	Aliaksei

Sweeney	Daniel
Szulc	Anna
Tabach	Irene
Tam	Sunny
Tarasova	Margarita
Tarasova	Nadezhda
Tarkhanova	Laura
Temoff	Jane
Teplitski	Vitali
Tetelman	Aleksandr
Tetruashvily	Diana
Tetymenko	Volodymyr
Thomas	Dawn
Thompson	Tamika
Tillman	Natika
Tkach	Rada
Tkach	Valerie
Toldina	Nina
Troche	Abiud
Trofymchuk	Lyudmyla
Tsyuman	Lybov
Tucker	Leslie
Tugluk	Galyna
Tur	Ivan
Tur	Mariya
Turbovsky	Galina
Turbovsky	Yevgeniya
Turobova	Fariza
Tyutyunikova	Lyudmila
Tyutyunnikova	Irina
Tyutyunnikova	Simonna
Ulanova	Larisa
Ulzinow	Guiliana
Umarova	Lola
Uniyat	Yaroslava
Usmonova	Yoqutoy
Vabnik	Inna
Varavko	Madina
Vasilevitskiy	Iuliia
Vasilyeva	Raisa
Vasyilkiv	Myron

Vasylkiv	Svitlana
Vasylkiv	Yeva
Vinogradski	Eduard
Vishnevetsky	Olga
Volosov	Diana
Voznyak	Alla
Vulfin	Maria
Wainberger	Svetlana
Wieczorek	Malgorzata
Wiggins	Danielle
Williams	Brandy
Williams	Clarissa
Woolfolk	Cynthia
Xu	Lisheng
Yampolsky	Natalie
Yanishevskaya	Olha
Yujanov	Ellen
Yujanov	Maria
Yurchyshyn	Oksana
Yurovskaya	Stella
Zabegay	Irina
Zak	Regina
Zamanova	Lala
Zeldich	Marina
Zhang	Xiaoying
Ziatsikava	Liudmila
Zubov	Egor